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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,126	09/30/2003	James McClure	08168-048001	3901

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SAN DIEGO, CA 92130-2081

EXAMINER

PRINCE, FRED G

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/677,126

Applicant(s)

MCCLURE ET AL.

Examiner

Fred Prince

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 6-7, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Arntyr et al.

Arntyr et al. teaches a removable filter (2) having a rigid housing and for being positioned near the water outlet of a floodable compartment (13); a strainer (3) having a first end and a second end, wherein the first end is configured to at least partially surround the filter near the water outlet, and wherein the second end is configured to contact the compartment at least partially around the filter at a point in the compartment between the water inlet and the water outlet (Fig. 2), wherein all may be removed simultaneously from the compartment (col. 3, lines 32-35).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5-7, 9, 11, 13-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Etani et al.

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Etani et al. teach a removable filter (165) near the water outlet (150) of a floodable compartment (150), a strainer (160) surrounding the filter, the second end of the strainer contacting the compartment (Fig. 5), the strainer having a handle (174), wherein the filter and strainer may be removed simultaneously (col. 4, lines 44-46).

Etani et al. do explicitly disclose the filter having a rigid housing.

In any case, it is submitted that it is well known in the art to provide a filter element with a rigid housing in order to support and facilitate removal of the filter element (see, for example, US Pat No 4,419,232 to Arntyr et al.). Accordingly, it would have readily obvious for the skilled artisan to have modified the device and method of Etani et al. such that filter element has a rigid housing in order to, for example, support and facilitate removal of the filter element, as known in the art. Further, the record does not show, e.g., by comparative test data, that applicant is able to obtain any new and unexpected result by providing a rigid housing. Absent such a showing, a rigid housing is insufficient to patentably distinguish the claims.

5. Claims 2 and 10 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Etani et al. in view of Dye.

In any case, Dye discloses the well-known concept of using a bag (16) as a strainer in order to retain debris.

It would have been readily obvious for the skilled artisan to have modified the strainer of Etani et al. by using a bag in order to retain debris, as suggested by Dye.

6. Claims 8 and 16 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Etani et al. in view of Keith.

Etani et al. is described above. Etani et al. do not disclose using a strap as a handle.

In any case, Keith discloses the well-known concept of using a strap (26) in order to easily remove a strainer from a floodable compartment (col. 3, lines 49-59).

It would have been readily obvious for the skilled artisan to modify the invention of Etani et al. such that it includes a strap in order to easily remove a strainer from a floodable compartment, as suggested by Keith.

7. Claims 4 and 12 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Etani et al. in view of Lincke.

Etani et al. is described above. Etani et al. do not disclose using an expansion ring.

In any case, Lincke discloses using a ring (80,82) to engage a vertical surface (col. 3, lines 29-32).

It would have been readily obvious for the skilled artisan to modify the invention of Etani et al. such that it includes a ring to engage a vertical surface, as suggested by Lincke.

Response to Arguments

8. Applicant's arguments filed May 11, 2005 have been fully considered but they are not persuasive.

Applicant asserts that Etani et al. do not teach or suggest a filter element having a rigid housing. However, it is noted that Etani et al. combined with the knowledge of one having routine skill in the art does show or suggest the desirability and benefits of

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providing a filter element having a rigid housing. Accordingly, applicant's argument fails to patentably distinguish the instant invention over the prior art.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References are cited of interest to show the state of the art.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Prince whose telephone number is (571) 272-1165. The examiner can normally be reached on Monday-Thursday, 6:30-4:00; alt. Fridays 6:30-3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Fred Prince
Primary Examiner
Art Unit 1724

fgp
7/1/05